

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

JACQUELINE DENNEY and MARK
DENNEY,

Plaintiffs,

v.

HUMANA INSURANCE COMPANY,

Defendant.

Case No. CIV-23-120-D

ORDER

Before the Court is Defendant's Motion to Dismiss Plaintiffs' Complaint [Doc. No. 10]. In response to the Motion, Plaintiffs have timely filed an amended pleading as authorized by Fed. R. Civ. P. 15(a)(1)(B). This amendment "supersedes the original and renders it of no legal effect." *Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991) (internal quotation omitted); *see Predator Int'l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-81 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007). Thus, Defendant's Motion is moot.

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss Plaintiffs' Complaint [Doc. No. 10] is **DENIED** without prejudice to resubmission, as appropriate, in response to the First Amended Complaint [Doc. No. 12].

IT IS SO ORDERED this 20th day of April, 2023.



TIMOTHY D. DEGIUSTI
Chief United States District Judge